

## **REMARKS**

Claims 1, 2, 4 – 7 and 9 – 15 are pending and under consideration in the above-identified application.

In the Office Action, Claims 1, 2, 4 – 7 and 9 – 15 were rejected.

In this Amendment, Claims 1, 2, 5 – 7 and 9 – 15 are amended, Claims 4 and 12 are cancelled, and Claim 16 is added. No new matter has been introduced as a result of this Amendment.

Accordingly, Claims 1, 2, 5 – 7, 9 – 11, and 13 – 16 are at issue.

### **I. 35 U.S.C. § 112 Indefiniteness Rejection of Claims**

Claims 1, 2, 4-7 and 9-12 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant has appropriately amended the claims at issue to clarify the first set of information units and the second set of information units, thereby providing a distinction between these two sets of information units.

Accordingly, Applicant respectfully requests withdrawal of this rejection.

### **II. 35 U.S.C. § 103 Obviousness Rejection of Claims 1, 2, 6, 7 and 13-15**

Claims 1, 2, 6, 7 and 13-15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Jalali in view of Tiernan (U.S. Patent No. 6,172,988). Although Applicant respectfully traverses this rejection, to further prosecution, Claims 1, 2, 6, 7 and 13 – 15 are amended to clarify the invention and remove any ambiguities that may have been at the basis of this claim rejection.

Claim 1 has been amended by incorporating a substantive limitation of Claim 5.

Claim 1 is directed to an information processing apparatus for transmitting information to a transmission party via a network in predetermined *information* units. The information processing apparatus comprises a first dividing unit for dividing *a first* information into a first set of information units, a first transmission unit for transmitting first information to the transmission party through the network via the first set of information units, a receiving unit for

receiving, from the transmission party, indication about the reception of the first set of information units transmitted by the first transmission unit, *a clocking unit for clocking a time from when the first information is transmitted. a determination unit for determining whether or not the time clocked by the clocking unit exceeds a reference time value associated with the first information*, a second dividing unit for dividing *a second information, which follows the first information*, into a second set of information units, a second transmission unit for transmitting the second set of information units *when the indication is received or when the indication is not received within the reference time value*, a setting unit for setting a flag indicating that the time clocked by the clocking unit exceeds the reference time value when determined by the determination unit, and a writing unit for writing the flag into each of the second set of information units which are transmitted by the second transmission unit when the flag is set by the setting unit.

That is, the second set of information units is transmitted when the indication about the reception the first set of information units is received or when the indication is not received within the reference time value. Further, a setting unit sets a flag indicating that the time clocked by the clocking unit exceeds the reference time value and a writing unit writes the set flag into each of the second set of information units to be transmitted.

This is clearly unlike Jalali and Tiernan. In remarks made regarding Claim 5, the Examiner acknowledges that Jalali does not explicitly disclose “writing the flag into the second information that is transmitted, but asserts that Hamilton discloses this flag writing limitation by pointing to the Abstract and Table 3 in Column 11 of Hamilton.

However, Hamilton teaches in Column 3, lines 33 – 42, that (emphasis added):

“When the positive reliability transmission mode is used, an *ACK requested flag is set once every Nth packet*. The collection of N packets is referred to as “ACK window” or “transmission window.” Setting the ACK request flag signals the recipient to positively acknowledge receipt of that packet by sending an ACK to the sender. Furthermore the last packet in the transmission window has the ACK requested flag set. The ACK requested flag is not used in the statistically reliable transmission mode.”

Thus, Hamilton discloses that the flag is set and communicated by the recipient to the sender so as to positively acknowledge receipt of the N packets. That is, Hamilton fails to teach or suggest that the set flag is written by the sender into each of the second set of information units to be transmitted to the receiver (transmission party), as required by the claimed invention.

As such, Claim 1 is patentable over Jalali, Tiernan, Tseung and Hamilton, taken singly or in combination with each other, as are dependent Claims 1, 2, and 13 and newly added Claim 16, for at least the same reasons.

Independent Claims 6 and 7, which have been amended to recite the same distinguishable limitation as that of Claim 1, are also patentable over Jalali, Tiernan, Tseung and Hamilton, taken singly or in combination with each other, as are their respective dependent Claims 14 and 15, for at least the same reasons.

Accordingly, Applicant respectfully request that this claim rejection be withdrawn.

### **III. 35 U.S.C. § 103 Obviousness Rejection of Claim 4**

Claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Jalali as applied to claim 1 above, and further in view of Tseung (U.S. Patent No. 5,109,384). Applicant respectfully traverses this rejection.

Claim 4, which is dependent on Claim 1, shown above to be patentable over Jalali, Tiernan, Tseung and Hamilton, is also patentable over Jalali and Tseung for at least the same reasons.

Accordingly, Applicant respectfully request that this claim rejection be withdrawn.

### **IV. 35 U.S.C. § 103 Obviousness Rejection of Claim 5**

Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Jalali in view of Tiernan and Tseung as applied to claim 4 and further in view of Hamilton (U.S. Patent No. 6,392,993) and Kamihara (U.S. Patent No. 6,854,020). Applicant respectfully traverses this rejection.

Claim 5 is dependent on Claim 1 shown above to be patentable over Jalali, Tiernan, Tseung and Hamilton. Moreover, in addition to Jalali, Tiernan, Tseung and Hamilton, Kamihara also fails to teach or suggest that a writing unit for writing the flag into each of the second set of information units which are transmitted by the second transmission unit when the flag is set by the setting unit. As such, Claim 1 is patentable over Jalali, Tiernan, Tseung, Hamilton and Kamihara, taken singly or in combination with each other, as is dependent Claim 5 for at least the same reasons.

Accordingly, Applicants respectfully request that these 35 U.S.C. § 103 claim rejections be withdrawn.

**V. 35 U.S.C. § 103 Obviousness Rejection of Claims 9-12**

Claims 9 - 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hamilton in view of Knobel (U.S. Patent No. 6,765,871) and Tiernan (U.S. Patent No. 6,172,988). Although Applicant respectfully traverses this rejection, to further prosecution, Claims 9 - 11 are amended to clarify the invention and remove any ambiguities that may have been at the basis of this claim rejection.

As Claim 12 is cancelled, its rejection is now moot.

Claim 9 is directed to an information processing apparatus for receiving an information packet, transmitted through a network, via information fragments which are created by dividing the information packet. The information processing apparatus comprises a receiving unit for receiving the *information fragments* via the network, a storage unit for storing each of the *information fragments* received by the receiving unit, an assembling unit for assembling the *information fragments* stored in the storage unit to reproduce the information packet *when the indication is received about the reception of the information fragments*, a first deletion unit for deleting each of the *information fragments*, stored in the storage unit, when the *information fragments are assembled* to reproduce the information packet by the assembling unit, a determination unit for determining whether or not a predetermined flag is contained in the information fragments received by the receiving unit, and a second deletion unit for deleting the information fragments stored in the storage unit, corresponding to the information packet which

is immediately prior to another transmitted *information* packet whose corresponding *information fragments* are determined to contain flags.

As stated above, Hamilton fails to teach or suggest that the flag is written by the sender into each of the information fragments to be transmitted to the receiver (transmission party). Moreover, in addition to Jalali and Tiernan, Knobel also fails to teach or suggest that the flag is written into each of the transmitted information fragments. As such, Claim 9 is patentable over Jalali, Tiernan and Knobel, taken singly or in combination with each other.

Independent Claims 10 and 11, which have been amended to recite the same distinguishable limitation as that of Claim 9, are also patentable over Jalali and Tiernan, Knobel, taken singly or in combination with each other.

Accordingly, Applicant respectfully request that this claim rejection be withdrawn.

**VI. Conclusion**

In view of the above amendments and remarks, Applicant submits that all claims are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

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